



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: LUIS M. ORTIZ

EXAMINER: ABRISHAMKAR, KAVEH

SERIAL NO.: 09/757,903

GROUP: 2131

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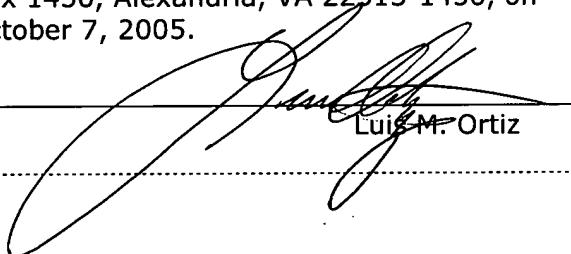
TITLED: **RANDOM BIOMETRIC AUTHENTICATION
METHODS AND SYSTEMS**

CERTIFICATE OF MAILING

Please forward all correspondence to:

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 7, 2005.



Luis M. Ortiz

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

In response to the Final Office Action mailed August 26, 2005 and having a shortened statutory response period that extends through November 26, 2005, kindly consider the following arguments in establishing that factual error has led to improper and baseless rejections of the claims.

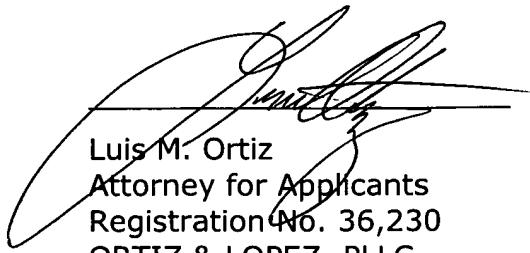
In particular, Examiner cites Price-Francis (U.S. Patent No 5,815,252) column 7 lines 60-65 as disclosing a server and column 7 lines 63-67 as disclosing a local area network (LAN).

A main computer is not necessarily a server. To be a server, a computer must be connected to a communications network, such as a LAN, wide area network (WAN).

Examiner interprets "the storage medium can be built into a main computer system as a series of secured memory locations" as disclosing a local area network. By definition, a computer network includes at least two computers and a communications fabric through which the computers can communicate. The prior art computer system is nowhere defined as more than one computer and there is no reference to a communications network. The prior art discloses "a series of secured memory locations" that are part of a single storage medium that is built into a single main computer. This is akin to claiming a LAN exists inside an ancient Apple II because the memory is inside a case (secured) and the RAM has a series of RAM chips.

Examiner does have a duty to read claims and prior art broadly and finding equivalents is often a matter of distinguishing shades of grey. Similarly, some readings of the prior art are broad while others are so broad as to be factually erroneous. That is the case here. Please reconsider the claims here under a broad yet factually correct reading of the prior art.

Respectfully submitted,



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